SEPTMBER 28, 2021

BOARD OF DIRECTORS

REGULAR MEETING 7:00 PM

WORK SESSION 8:00 PM
Newberg School District 29J • September 28, 2021
Regular Board Meeting • 7:00 PM    Work Session • 8:00 PM

The Board of Directors of the Newberg School District 29J will meet on Tuesday, September 28, 2021 at 7:00 pm for a Regular Board Meeting and at 8:00 pm for a Work Session via Zoom conference call to discuss or take action on minutes, policy, and other business items. No public comments will be received. Business and discussion items may include:

I. Call to Order .................................................................................................................................................. 7:00 pm
II. Flag Salute ..................................................................................................................................................... 7:05 pm
III. Review Agenda (Chair David Brown) ............................................................................................................. 7:07 pm
IV. Old Business
   a. Rescind Motion 28 and Amend Already Adopted Motion 13 (Vice-Chair Brian Shannon) ............ 7:10 pm
V. Policy
   a. Approval of Policy GBG Staff Participation in Political Activities/Ensuring Safe Environments to Learn Policy – Second Read (Vice-Chair Shannon) ................................................................. 7:15 pm
VI. New Business
   a. Approve OSBA Nomination to Legislative Policy Committee (Chair Brown) ......................... 7:35 pm
   b. Approve Cell Tower Lease Agreement – Amendment #2 (Nikki Fowler) ............................... 7:42 pm
   c. Approve Amendments to Bank Signatories Designations (Nikki Fowler) ......................... 7:50 pm
VII. Work Session Discussions
   a. Public Comments Procedure ........................................................................................................ 8:00 pm
   b. Meetings in October: In-Person or Zoom ..................................................................................... 8:12 pm
   c. Pronouns ...................................................................................................................................... 8:24 pm
   d. Board Meeting Efficiency .............................................................................................................. 8:36 pm
   e. All Students Are Important ........................................................................................................... 8:48 pm
VIII. Adjourn Regular Session................................................................................................................................ 9:00 pm

To listen to the meeting, call one of these numbers and follow the prompts:
1-253-215-8782 or 1-301-715-8592 Meeting ID: 860 9689 6015; Passcode: 228804
Or login via Zoom, using Meeting ID: 860 9689 6015; Password: 228804
https://us02web.zoom.us/j/86096896015?pwd=OFo4WHB1Zjh1STFRen9rMMl2dys4UT09

Newberg School District is an equal opportunity educator and employer.
Persons having questions about or requests for special needs and accommodations should contact the Board Secretary;
Phone: 503-554-5036; Newberg School District, 714 East Sixth Street, Newberg, Oregon.

Posted: September 10, 2021
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Newberg School District 29J  
Board Meeting Date: September 28, 2021

ITEM: Rescind Motion 28 and Amend Already Adopted Motion 13
PRESENTER: Vice-Chair Brian Shannon  
ACTION

BACKGROUND:

At the September 1, 2021 special meeting, the Board tabled Motion 28: To rescind Motion 13 from the August 10, 2021, Board meeting including a directive to the Superintendent to remove all Black Lives Matter (BLM) and Pride displays from District facilities and to refer the political signs ban to the Policy Committee for policy development. Motion 28 was moved by Director Piros and seconded by Brandy Penner.

Motion 29 to table the motion was moved by Vice-Chair Brian Shannon and seconded by Director Trevor DeHart. The reason given for the motion to table was so that the rescinding of the directive to the Superintendent in Motion 13 could be timed with the adoption of the policy developed by the Policy Committee.

By convening the Policy Committee on September 9, 2021, to discuss and recommend Policy GBG to the Board in a first read, the Board already acted on a portion of Motion 13 that states:

"to direct the Policy Committee to draft policy language prohibiting the display of political signs, flags, apparel, buttons, and placards, and all other modes of display from District facilities, with the sole exception of the American flag and the Oregon state flag, with exemptions as it sees proper. The language contained in this directive shall only apply to District staff and faculty while in the performance of their official duties as District employees”

This action occurred while Motion 28 was still on the table for future decision. To clear up the procedural history for these series of motions and actions by the Board, the Board Secretary recommends the Board to first address the tabled Motion 28 by rescinding it to nullify and remove it from the table. The reason for rescinding Motion 28 rather than amending it is because any amendment to Motion 28 would still require an extra step to amend the previously adopted to Motion 13.
After Motion 28 is cleared from the table, then the Board may make another motion to amend the previously adopted Motion 13 to remove only the directive to the Superintendent while allowing the recommended policy language and referral to the policy committee to still stand since that action already occurred. No other language needs to be changed in Motion 13 because the development of the language occurred under the actions and recommendations of the Policy Committee.

Once the procedural items described above are addressed, amended, and cleared from the table the Board may proceed with deliberations and action on the Policy GBG in the second read that resulted from the actions initiated by Motion 13.

Please see the recommended actions and motions below.

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RECOMMENDATION:

At the September 28, 2021, Board meeting, the Board Chair opens the previously tabled Motion 28 from September 1, 2021, for discussion so the Board may make the following motions:

MOTION #1: Move that the Newberg School District Board of Directors rescind the tabled Motion 28 to rescind Motion 13 from the August 10, 2021, Board meeting including a directive to the Superintendent to remove all Black Lives Matter (BLM) and Pride displays from District facilities and to refer the political signs ban to the Policy Committee for policy development.

MOTION #2: Move that the Newberg School District Board of Directors amend Motion 13 previously adopted on August 10, 2021, to remove the language "direct the Superintendent to remove all Black Lives Matter (a.k.a. BLM) signs, flags, placards, apparel, buttons, and all other modes of display, and all instances of the symbol known as the Pride flag from District facilities immediately, and" from the motion.
Newberg School District 29J  
Board Meeting Date: September 28, 2021

ITEM: Policy GBG: Staff Participation in Political Activities/Ensuring Safe Environments to Learn (Second Read)  
PRESENTER: Vice-Chair Brian Shannon

BACKGROUND:

The Policy Committee met with Spencer Lewis from Oregon School Board Association (OSBA) on Thursday, September 9, 2021. Amendments were made to OSBS Sample Policy GBG: Staff Participation in Political Activities to include language under the heading “Ensuring Safe Environments to Learn” along with “Notes and Exceptions”. The proposal for the policy has been discussed by the Policy Committee and had a First Read at the September 14, 2021 School Board meeting.

The Policy is attached and presented for approval in the second read.

RECOMMENDATION: Move that the Newberg School District Board of Directors approve Policy GBG: Staff Participation in Political Activities as presented.
Newberg School District 29J

Staff Participation in Political Activities

Employees may exercise their right to participate fully in affairs of public interest on a local, county, state and national level on the same basis as any community member in a comparable position in public or private employment and within the law.

All district employees are privileged within the limitations imposed by state and federal laws and regulations to choose any side of a particular issue and to support their viewpoints as they desire by vote, discussion or persuading others. Such discussion and persuasion, however, will not be carried on during the performance of district duties, except in open discussion during classroom lessons that consider various candidates for a particular office or various sides of a particular political or civil issue.

On all controversial issues, employees must designate that the viewpoints they represent on the issues are personal and are not to be interpreted as the district’s official viewpoint.

No employee will use district facilities, equipment or supplies in connection with his/her political activities, nor will he/she use any time during the work day for such political activities.

Ensuring Safe Environments to Learn

No district employee shall, while acting within the scope of their employment, either during school hours, or inside their physical area of responsibility at a school (such as a classroom, meeting room, desk area) hang, post, erect, or otherwise display (hereafter “display”) any posters, signs, flags, banners, pictures or other digital or physical image that depicts support or opposition relating to a political, quasi-political, or controversial topic.

For purposes of this policy a controversial topic shall be defined as one that a professional educator could reasonably understand to have students on more than one side of said issue. For purposes of this policy a political or quasi-political topic includes contemporary issues being debated in the local, state or national political climate.

Any person concerned with a particular Display should first notify the District employee believed to be responsible for the Display. Alternatively, the concerned person may file a complaint with a supervisor, school principal or the principal’s designee pursuant to District Policy.

Notes and Exceptions:

* This policy does not restrict in any way students’ First Amendment rights, nor change Policy IB or IGAC.

* This policy does not restrict in any way District employees First Amendment rights when not speaking in their official capacity, nor while not on the job or if they are not using a forum provided exclusively to
them as an employee, or otherwise speaking on behalf of the District.

* This policy does not limit, nor apply to communications, nor the free exchange of ideas during the course of approved educational events or exploration of approved curriculum.

* Official district billboards in school offices, and union materials covered by collective bargaining agreements and are expressly exempt from this policy.

* The flags of the United States of America and the State of Oregon are not prohibited by this policy.

END OF POLICY

Legal Reference(s):
ORS Chapter 244  ORS 260.432

OR. CONST., art. XV, § 8.

Johnson v. Poway Unified Sch. Dist., 658 F.3d 954 (9th Cir. 2011)
Downs v. LA Unified, 228 F.3d 1003 (9th Cir. 2000)
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Newberg School District 29J
Board Meeting Date: September 28, 2021

ITEM:       OSBA Nomination to Legislative Policy Committee
PRESENTER:  Chair Brown

BACKGROUND:

Director Rebecca Piros was appointed to the OSBA Legislative Policy Committee. She
would like to continue to serve on the Committee and must be nominated by the Board
in order to be placed on the ballot. She requests that the Newberg School Board take
action to approve her nomination to be submitted to the OSBA at their meeting on
September 28, 2021, so the required paperwork and confirmation of Board approval
may be submitted to OSBA by their deadline on October 1, 2021, at 5:00 pm.

The OSBA Legislative Policy Committee Nomination Packet materials have been
completed by Director Piros and attached along with a description of the member duties
and eligibility and the OSBA Elections Calendar.

RECOMMENDATION: Move that the Newberg School District Board of Directors approve
the nomination of Director Rebecca Piros for a position on the OSBA Legislative Policy
Committee.
NOMINATION FORM
OSBA LEGISLATIVE POLICY COMMITTEE (LPC)
REGIONAL MEMBER

Date 9/13/2021

TO: Scott Rogers, OSBA President-Elect
Oregon School Boards Association
1201 Court St NE, #400
Salem, OR 97301
Fax: 503-588-2813
E-mail: OSBAelections@osba.org

Dear Scott Rogers:

With this letter, our board nominates the candidate named below to a position on the OSBA Legislative Policy Committee for the 13th Region, Position # _____.

LPC CANDIDATE INFORMATION

Name: Rebecca Piros
District/ESD/Community College: 29J Newberg Public Schools
Address: 714 E 6th St
City: Newberg Oregon ZIP: OR 97132
E-mail: pirosr@newberg.k12.or.us Phone: 503-554-5000

This nomination was approved by official action of our board of directors at a duly called meeting on (date)

__________________________
(Board Chair signature)

Board Chair name: _____________________________

District: _____________________________

Address: _____________________________

City: _____________________________, Oregon ZIP: _____________________________
CANDIDATE QUESTIONNAIRE
OSBA Legislative Policy Committee

Name: Rebecca Piros
Region: 13
District/ESD/CC: Newberg School District Board
Position #: 

I certify that if elected I will faithfully serve as a member of the OSBA Legislative Policy Committee. My nomination form has been submitted to OSBA (or is attached to this document) as evidence.

Rebecca Piros 9-20-2021
Name Date

Be brief; please limit your responses to 50 words per question.

1. What do you want to accomplish by serving on the Legislative Policy Committee (LPC)?
   To be a spokesperson for my region at the state level.

2. What leadership skills do you bring to the LPC? Give an example of a situation in which you demonstrated these skills.
   Listening, open mindedness, willingness to learn & educate myself, and to speak up for others.
   Serving on various ad-hoc committees, Latinx & middle school parent groups

3. What do you see as the two most challenging legislative issues faced by OSBA?
   Redistricting & budgeting

4. What do you see as the two most challenging legislative issues faced by your region?
   Budgeting & listening to all student & staff voices.

5. What is your plan for communicating with boards in your region about legislative issues?
   Email & volunteer to attend local board mtgs via Zoom.

Deadline: October 1, 2021, 5 p.m.

Materials submitted by the candidate on this form may be subject to a public information request under ORS Chapter 192.
Activities, other state and local community services:

Hull Park Foundation for visually impaired.

Hobbies/special Interests:

Speaking to Students about Blindness, reading, walking \\
& going to Blind Camp.

Business/professional/civic group memberships; offices held and dates:

None presently

Additional comments:

Appreciated this committee work & look forward \\
to a 2nd term to become more productive.
Name: Rebecca A. Piros
Address: 1103 N. Springbrook Rd Unit 50
City / ZIP: Newberg 97132
Business phone: NA
Residence phone: 503-8 NA
Cell phone: 503-310-1885
E-mail: pirosr@newberg.k12.or.us
District/ESD/CC: Newberg 29J
Term expires: 7/1/2023 Years on board: 3

Work or service performed for OSBA or local district (include committee name and if you were chair):

OSBA - Legislative Policy Committee 2019-21
Local District 1 School Rep for CVMS, Edwards MS, MVMS, Latinx parent group. Served on Policy Committee for 3 years. Served on personnel, facilities & Ad hoc Committee for 1 year.

Other education board positions held/dates:

WA

Occupation (Include at least the past five years):

Employers: Retired HS, Secretary
Newberg High Schools

Dates: 2007-2018

Schools attended (Include official name of school, where and when):

High school: Lynnwood Sr High 71-74 Lynnwood WA.
College: NA
Degrees earned: NA

Education honors and/or awards:

Outstanding Teenager of America

Other applicable training or education:

OSBA Webinars
Legislative Policy Committee member duties and eligibility

About the Legislative Policy Committee (LPC)

The Oregon School Boards Association's primary legislative goal is to serve as the collective voice for all Oregon public school boards. LPC members play an invaluable role in this process by building relationships with their legislators and lending an effective voice in public policy that impacts education. Legislators want to hear from school boards because they know education is such a vital function of state and local governments and recognize that their decisions may impact the schools in their districts. LPC members also serve as a resource, promote legislative advocacy among member boards in their regions, and assist at regional meetings. The LPC members report to and represent the member boards in their LPC region.

Composition of the LPC

The LPC consists of the voting members of the OSBA board of directors, 20 representatives regionally nominated and elected by local boards (school district, ESD or community college), and a representative selected by the membership of the Oregon School Board Members of Color Caucus (OSBMCC). The vice president of the OSBA board serves as the chair of the LPC and directs its activities in conjunction with OSBA's membership.

Essential duties of LPC members

Attend LPC Meetings

The LPC committee meets in even numbered years to develop OSBA's legislative agenda.

In odd-numbered years, the LPC committee will meet as directed by the LPC chair to discuss legislative issues and the association's position.

Participate in Legislative Activities and Trainings

LPC members should participate in and promote legislative advocacy and boardmanship training activities, including:

- OSBA/COSA Legislative Conference in February of odd-numbered years;
- OSBA fall regional meetings in the LPC region;
- OSBA annual convention;
- Annual membership meeting each November;
- Other OSBA conferences and training sessions, as possible.

Be Informed

LPC members should follow legislative session action closely by regularly checking OSBA's website and reading OSBA Legislative Highlights. The following are some useful resources for staying informed:

- OSBA's Legislative and advocacy webpage
- OSBA's Legislative Highlights (published weekly during session & biweekly during the interim of odd numbered years)
- Oregon State Legislature Information System (OLIS)

- Capitol e-Subscribe

Serve as a Resource

LPC members should initiate contact with and serve as a resource to legislative representatives and senators within the LPC region on public education issues. As requested by OSBA legislative staff, initiate contact with key legislators about specific issues and respond to OSBA legislative alerts by contacting the appropriate legislator when critical issues need a voice during the legislative session.

LPC members should demonstrate leadership by promoting legislative advocacy among member boards within the LPC region in support of public education and the OSBA legislative priorities and principles. Periodically, OSBA sends LPC members announcements for meeting opportunities with legislators within the LPC region, calls-to-action, and other advocacy notifications. These are excellent opportunities to promote legislative advocacy among the OSBA members in the LPC region.

The following are some useful resources for community engagement and legislative relationships:

- Advocacy 101 webpage

- Guide to Education Advocacy Pamphlet

- Opportunities for Legislative Advocacy

Develop the Legislative Agenda

To help achieve OSBA’s goal to serve as a collective voice for all Oregon public school boards, each biennium the LPC will develop the legislative agenda. The agenda will encompass the overarching guidelines for OSBA’s lobbying and advocacy activities. The agenda will consist of the OSBA Legislative Priorities and Principles, action statements for LPC member’s interaction with regional legislators, and regional community engagement plans.

The agenda will be developed in even-numbered years and in conjunction with OSBA Legislative Services department staff. LPC members will be expected to study current public-school issues and review the existing OSBA Legislative Priorities and Principles in preparation of this task. As part of the committee, the LPC will update any necessary priorities in the existing Legislative Priorities and Principles. The LPC will then approve the next biennium’s Legislative Priorities and Principles, that are then reviewed by the membership at regional meetings for feedback, then adopted by OSBA members through resolution in November of even-numbered years.

In addition, the LPC will develop a course of action to build relationships with the legislators that represent their LPC region, and develop and maintain channels of communication within their regions that promote legislative advocacy among member boards.

The LPC holds an incredible opportunity for board members to look deeply at education issues in Oregon and work through the process of guiding OSBA’s legislative work.

Eligibility

To serve on the Legislative Policy Committee, you must:

- Be an active member of your local board within the region nominating you to the LPC.

- Be a member of a local board that is a dues-paying member of OSBA.

- Be nominated by a local board in the region electing you to the LPC.

Term of office

The term of office for Legislative Policy Committee members is two calendar years. There is no limit to the number of terms to which you may be re-elected. Elections are held in the fall in odd-numbered years, at the same time as OSBA board elections.
## 2021 OSBA Elections Calendar
Adopted by the Board February 5, 2021

<table>
<thead>
<tr>
<th>Nomination and election of regional members of the OSBA board of directors holding even-numbered positions and all LPC representatives</th>
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<tbody>
<tr>
<td><strong>August 23, 2021</strong></td>
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<td><strong>August 23, 2021 through October 1, 2021</strong></td>
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<tr>
<td><strong>No later than October 15, 2021</strong></td>
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<td><strong>No earlier than November 1, 2021</strong></td>
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<td><strong>November 15, 2021 through December 17, 2021</strong></td>
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<td><strong>As soon as possible</strong></td>
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<td><strong>January 1, 2022</strong></td>
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### OSBA Resolution Election

| No later than September 30, 2021 | All resolutions to be submitted to the membership for a vote must be received at the OSBA offices. |
| No later than October 15, 2021 | Resolution details, along with an official ballot, will be sent to the membership. |
| November 15, 2021 through December 17, 2021 | Each member board in the state shall vote in the general election on resolutions, bylaws amendments, and Legislative Policies and Priorities (even-numbered years only) using the weighted voting system outlined in the bylaws. |

### OSBA Officer Elections

| September 17-18, 2021, or no later than October 31, 2021 | The currently seated OSBA board of directors meets to elect officers. Candidates receiving a majority of the votes cast for any officer position on the OSBA board shall be elected. |
Newberg School District 29J
Board Meeting Date: September 14, 2021

ITEM: Cell Tower Lease Amendment
PRESENTER: Nikki Fowler, Director of Finance & Operations

BACKGROUND:

Director of Finance & Operations Nikki Fowler will present an amendment to the district’s cell tower lease agreement for Board approval. The amendment will allow the lessor, Crown Castle, to sublet to Dish Network for an additional $225.00 per month to the district. See the attached agreement.

RECOMMENDATION: Move that the Newberg School District Board of Directors approve a Second Amendment to the Oregon Lease Agreement with NCWPCS MPL 32 - Year Sites Tower Holdings LLC to allow the lessor, Crown Castle, to sublet to Dish Network for an additional $225.00 per month to the district
SECOND AMENDMENT TO OREGON LEASE AGREEMENT

THIS SECOND AMENDMENT TO OREGON LEASE AGREEMENT (this “Second Amendment”) is entered into this ___ day of ______________, 20___ (“Effective Date”), by and between CONSOLIDATED SCHOOL DISTRICT NO. 29, YAMHILL COUNTY, STATE OF OREGON, ALSO KNOWN AS NEWBERG SCHOOL DISTRICT 29J AS TO PARCELS I AND II, AND SCHOOL DISTRICT NO. 29, YAMHILL COUNTY, STATE OF OREGON, AS TO PARCELS III, IV AND V (“Landlord”), with a mailing address of 714 East 6th Street, Newberg, Oregon 97132 and NCWPCS MPL 32 - YEAR SITES TOWER HOLDINGS LLC, a Delaware limited liability company, by and through CCATT LLC, a Delaware limited liability company, its attorney in fact (“Tenant”), with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317.

RECITALS

WHEREAS, Landlord and New Cingular Wireless PCS, LLC, a Delaware limited liability company (“Original Tenant”) entered into an Oregon Lease Agreement dated July 21, 2006 (the “Original Agreement”), a memorandum of which was recorded in the official records of Yamhill County, Oregon (“Official Records”) on August 7, 2006 at Document No. 200618092, whereby Original Tenant leased certain real property, together with access and utility easements, located in Yamhill County, Oregon from Landlord (the “Premises”), all located within certain real property owned by Landlord (the “Property”); and

WHEREAS, the Original Agreement was amended by that certain First Amendment to Oregon Lease Agreement, which was inadvertently dated January 3, 2016 by Tenant and should have been dated January 3, 2017 (the “First Amendment”) (hereinafter the Original Agreement and First Amendment are collectively referred to as the “Agreement”); and

WHEREAS, NCWPCS MPL 32 - Year Sites Tower Holdings LLC is currently the tenant under the Agreement as successor in interest to Original Tenant; and

WHEREAS, the Premises may be used for the purpose of constructing, maintaining and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental thereto; and

WHEREAS, the Agreement had an initial term that commenced on July 21, 2006, and expired on July 20, 2011. The Agreement provides for four (4) renewal terms of five (5) years (each an “Extension Term”), the first three (3) of which were exercised by Tenant. According to the Agreement, the final Extension Term expires on July 20, 2031; and

WHEREAS, Landlord and Tenant desire to amend the Agreement on the terms and conditions contained herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Landlord and Tenant agree as follows:
1. **Recitals; Defined Terms.** The parties acknowledge the accuracy of the foregoing recitals. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Agreement.

2. **First Amendment Corrections.** The parties acknowledge and agree that (i) the First Amendment was inadvertently dated January 3, 2016 by Tenant and was actually executed by Tenant on January 3, 2017; and (ii) Section 5 of the First Amendment inadvertently referenced Section 10(b) of the Original Agreement and should have referenced Section 16(b) of the Original Agreement. The parties hereby ratify and adopt the First Amendment as corrected in this Section.

3. **DISH Collocation.** Pursuant to Section 16(b) of the Original Agreement, Landlord hereby consents to the collocation of DISH Network at the Premises (the “DISH Sublease”) and waives the requirements set forth in Section 16(b) of the Original Agreement that: (i) DISH Network enter into a ground agreement directly with Landlord, and (ii) Landlord collect any and all revenue generated by DISH Network for ground space only. In lieu of such requirements, Tenant shall pay to Landlord the DISH Rent for the DISH Sublease as set forth below.

4. **DISH Rent.** Commencing upon the initial installation of equipment by DISH Network, Tenant agrees to pay to Landlord Two Hundred Twenty-Five and 00/100 Dollars ($225.00) per month (the “DISH Rent”) within thirty (30) days after receipt of said payments by Tenant. Tenant shall have no obligation for payment to Landlord of such share of rental, license or similar payments if not actually received by Tenant. Non-payment of such rental, license or other similar payment by DISH Network shall not be an event of default under the Agreement. Tenant shall have sole discretion as to whether, and on what terms, to sublease occupancy of the Premises to DISH Network and there shall be no express or implied obligation for Tenant to do so. If the DISH Sublease expires or terminates for any reason, Tenant shall no longer be obligated to pay the DISH Rent for the DISH Sublease.

5. **Ratification.**

   a) Landlord and Tenant agree that Tenant is the current tenant under the Agreement, the Agreement is in full force and effect, as amended herein, and the Agreement contains the entire agreement between Landlord and Tenant with respect to the Premises.

   b) Landlord agrees that any and all actions or inactions that have occurred or should have occurred prior to the date of this Second Amendment are approved and ratified and that no breaches or defaults exist as of the date of this Second Amendment.

   c) Landlord represents and warrants that Landlord is duly authorized and has the full power, right and authority to enter into this Second Amendment and to perform all of its obligations under the Agreement as amended.

   d) Landlord acknowledges that the Premises, as defined, shall include any portion of the Property on which communications facilities or other Tenant improvements exist on the date of this Second Amendment.

6. **Remainder of Agreement Unaffected.** The parties hereto acknowledge that except as expressly modified hereby, the Agreement remains unmodified and in full force and effect. In
the event of any conflict or inconsistency between the terms of this Second Amendment and the Agreement, the terms of this Second Amendment shall control. The terms, covenants and provisions of this Second Amendment shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of Landlord and Tenant. This Second Amendment may be executed simultaneously or in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

7. **Survey.** Tenant reserves the right, at its discretion and at its sole cost, to obtain a survey (“Survey”) specifically describing the Premises and any access and utility easements associated therewith. Tenant shall be permitted to attach the Survey as an exhibit to this Second Amendment and any related memorandum for recording, which shall update and replace the existing description, at any time prior to or after closing of this Second Amendment.

8. **Recordation.** Tenant, at its cost and expense, shall have the right to record a memorandum of this Second Amendment (“Memorandum”) in the Official Records at any time following the execution of this Second Amendment by all parties hereto. In addition, Tenant shall have the right in its discretion, to record a notice of agreement, affidavit or other form to be determined by Tenant without Landlord’s signature in form and content substantially similar to the Memorandum, to provide record notice of the terms of this Second Amendment.

9. **Electronic Signatures.** Each party agrees that the electronic signatures of the parties included in this Second Amendment are intended to authenticate this writing and to have the same force and effect as manual signatures. As used herein, “electronic signature” means any electronic sound, symbol, or process attached to or logically associated with this Second Amendment and executed and adopted by a party with the intent to sign such Second Amendment, including facsimile or email electronic signatures.

[Execution Pages Follow]
This Second Amendment is executed by Landlord as of the date first written above.

**LANDLORD:**
CONSOLIDATED SCHOOL DISTRICT NO. 29, YAMHILL COUNTY, STATE OF OREGON, ALSO KNOWN AS NEWBERG SCHOOL DISTRICT 29J AS TO PARCELS I AND II, AND SCHOOL DISTRICT NO. 29, YAMHILL COUNTY, STATE OF OREGON, AS TO PARCELS III, IV AND V

By: ____________________________
Print Name: _____________________
Print Title: ______________________

[Tenant Execution Page Follows]
This Second Amendment is executed by Tenant as of the date first written above.

**TENANT:**
NCWPCS MPL 32 - YEAR SITES TOWER HOLDINGS LLC,
a Delaware limited liability company

By: CCATT LLC,
a Delaware limited liability company
Its: Attorney In Fact

By: ______________________________
Print Name: ______________________
Print Title: ______________________
Newberg School District 29J
Board Meeting Date: September 28, 2021

ITEM: Designate/Remove Account Signers
PRESENTER: Nikki Fowler, Director of Finance and Operations

BACKGROUND:

It is recommended that the Board amend the following individuals as District signatories, authorized to sign checks for the District for the 2021-22 school year:

Add: Dawn Reed (Ewing Young)
Remove: Terrence Evers (Ewing Young)

Add: Maira Lopez (Edwards)
Remove: Mayra Leal (Edwards)

RECOMMENDATION: Move that the Newberg School District Board of Directors approve the amended depository account signatories as presented for the 2021-22 school year.